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For Immediate Release:
September 9, 2008

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- NEWS RELEASE -

BYSIEWICZ, BLUMENTHAL DECLARE VICTORY IN FIGHT TO GUARANTEE VETERANS RIGHT TO VOTE

U.S. DEPARTMENT OF VETERANS AFFAIRS REVERSES REGISTRATION BAN

HARTFORD: Secretary of the State Susan Bysiewicz and Attorney General Richard Blumenthal held a news conference today in the Secretary of the State's Office to announce that the U.S. Department of Veterans Affairs has agreed to end its ban on voter registration drives at federal facilities following a threat of litigation and mounting public pressure.

The U.S. Department of Veterans Affairs' new directive permits state and local election officials and non-partisan groups access to its hospitals in order to assist VA officials in registering voters at VA facilities.

"The V.A.'s decision to drop this ill-conceived and illegal policy that could have resulted in thousands of veterans being denied access to the ballot box is a victory for our wounded warriors," said Secretary Bysiewicz. "Veterans under the care of the V.A. will now have the opportunity to make their voice heard this November."

Bysiewicz continued: "Although this is a step forward, our veterans' voting rights should not be left to the whims of Washington bureaucrats. I am still concerned the new directive leaves health care providers and V.A. staff with too much decision-making power in determining who actually gets to vote and how groups are given access to V.A. facilities. That's why I will continue to support federal legislation that will cut through the remaining red tape and codify those rights."

The U.S. Department of Veterans Affairs' policy reversal comes 48 hours before Secretary Bysiewicz was scheduled to testify against the ban and on behalf of Senate Bill 3308, *Veterans Voting Support Act*, before the United States Senate Rules and Administration Committee which has jurisdiction over the V.A.

Veterans Voting Support Act would require the VA to give election officials access to VA facilities to do the job they were constitutionally elected to do: register and educate voters wherever they are, including those who happen to be patients or residents at VA facilities or homeless shelters. It would also provide the same access to non-partisan groups who have a long history of advocacy for veterans and for the right to vote.

S. 3308 would also empower Secretaries of State to designate VA facilities as Voter Registration Agencies under the National Voter Registration Act of 1993. This designation would require VA facilities to provide assistance requesting, completing, and delivering absentee ballots for anyone serviced by the agency. Indeed, this was VA policy for many years with no evidence whatsoever that it was disruptive to facilities or patients or that it violated the Federal Hatch Act.

"Finally, after months of pressure from our efforts in Congress and from veterans across the country, the Veterans Administration was compelled to do the right thing, and reverse its policy of restricting access to voter registration in its hospitals," said Congressman Christopher Murphy (CT-5). "To think that veterans, who gave up so much to protect our democratic values, were going to be denied access to voter registration drives was inconceivable -- that is why I didn't waste any time in trying to change this policy. I am glad the VA finally came around, but federal legislation is still necessary in order to ensure that this never happens again."

Attorney General Richard Blumenthal said, "Federal officials have rightfully retreated from a policy that was indefensible and inexplicable -- wisely heeding our warning about full scale legal attack. In West Haven, we demonstrated that voter registration drives can be done easily and feasibly without disruption or partisanship. Our battle in Connecticut has led the Administration to lift the voter registration ban nationally, benefitting all veterans."

"The ban was blatantly illegal -- defying the Constitution, common sense and conscience. A court would never uphold the VA's misguided reliance on The Hatch Act to ban voter registration drives. The DVA directive -- purposely or inadvertently -- threatened to chill and discourage legitimate exercise of rights and inhibit veteran voting. Veterans who sacrificed and fought to preserve these rights especially deserve access to voter registration and participation. Congress should act to address the ambiguities and unanswered questions raised by the VA's past resistance, even after this revised directive."

On June 30, 2008, Secretary Bysiewicz and Attorney General Richard Blumenthal visited the West Haven Veterans Hospital to register V.A. patients. The V.A. denied them access to the hospital.

After their June 30th visit, Attorney General Blumenthal and Secretary Bysiewicz wrote to V.A. Secretary James Peake on July 1st formally requesting that: 1) The VA facilities in Connecticut be designated federal voter registration agencies pursuant to the NVRA of

1993 which would require V.A. staff to assist in voter registration for patients; and 2) State and local election officials be permitted to enter the V.A. facilities in Connecticut for the purposes of voter education and registration.

Attorney General Blumenthal issued a legal opinion on July 11, 2008, which held that: the VA's legal justification for banning voter registration drives was not valid and indeed that the ban is an illegal restriction on the veterans' rights to vote. The opinion stated that: 1) The Federal Hatch Act prohibiting partisan political activities by federal employees at their workplace cannot be used to ban non-partisan voter registration drives, and 2) A non-partisan voter registration drive conducted by the Office of the Secretary of the State could not be deemed a political activity.

Working through the National Association of Secretaries of State, Secretary Bysiewicz and Washington State Secretary of State Sam Reed launched a national bipartisan effort among Secretaries of State to overturn the May 5th directive. That letter also requested that Secretary Peake lift the ban on voter registration drives stating, "As a practical matter, voter registration drives have historically been a critical outreach tool for veterans in facilities to ensure that they get the opportunity to register to vote. Many veterans simply are not able to get out on their own, rendering registration much more difficult. Likewise, the longstanding practice of allowing facility employees to assist veterans in registering to vote has provided valuable assistance to veterans in need." In all, 22 Secretaries of State – Republicans and Democrats – signed onto this letter which was sent on July 16th.

On July 17, 2008, Secretary Peake denied the Secretaries' request that the VA lift its ban on voter registration drives. He wrote that voting assistance for VA patients must be coordinated through VA Volunteer Services, and any volunteer assisting patients with voter information was required to sign a form which contained a "political activities fact sheet." This fact sheet stated that V.A. volunteers were only allowed to assist patients in response to a request for help, and that they were not permitted to encourage patients to vote.

At the same time, Secretary Bysiewicz received another letter from Mr. Roger Johnson, Director of the Connecticut VA Healthcare System, saying that voter education and demonstration of our new voting machines would not be permitted, since hospital officials had made the determination that all inpatients who voted would do so via absentee ballot. His decision was made contrary to the federal Help America Vote Act of 2002, which specifically states that disabled voters have the fundamental right to vote privately and independently. As such the VA has no legal authority to make the determination how patients in its care are to vote.

On July 18th, Secretary Bysiewicz and Attorney General Blumenthal wrote again to VA officials re-clarifying that the VA's policy was illegal, and demanding that the VA grant them access to its facilities by August 1st or face the very real possibility of legal action.

It was only two days before the August 1st deadline that Mr. Johnson appeared partially willing to compromise and offer an opportunity to permit access to the hospital in West Haven. After a series of negotiations, an agreement was reached to allow Secretary Bysiewicz to enter the West Haven VA campus to demonstrate the new voting machines,

educate voters, and register patients to vote. The V.A. continued to enforce restrictions on activities and forbade registering any VA outpatients or volunteers.

The V.A. also continued to bar non-partisan organizations such as the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, the League of Women Voters, Common Cause, Demos, and the American Association of People with Disabilities from assisting in the registration process.

Most recently, on August 20th, VA Secretary Peake wrote to Secretary Bysiewicz denying her request that the V.A. facilities in Connecticut be designated federal voter registration agencies. Secretary Peake wrote that “such a designation would establish the VA as a voter registration location for the entire eligible population” and that for the VA to comply with that designation would divert too many resources from healthcare.

Secretary Bysiewicz plans to visit veterans’ facilities across Connecticut this fall to register veterans and make sure their voices are heard this November.

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